

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 3: Canjilon Creek

Subfile No.: CHCJ-003-0058

MOTION TO CORRECT DEFAULT JUDGMENT FOR SUBFILE NO. CHCJ-003-0058

Pursuant to Rule 60(a) of the Federal Rules of Civil Procedure, Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”), respectfully moves the Court to enter its Order Correcting Default Judgment for Subfile No. CHCJ-003-0058 (Exhibit 1). In support of this motion, Plaintiff states the following.

1. At the request of the State, the Court entered its *Order Granting Default Judgment* for Subfile No. CHCJ-003-0058 on February 13, 2008. (Doc. 9110.)
2. The default judgment for this subfile incorrectly identifies El Llano Ditch as the point of diversion for the surface irrigation right in Header A.
3. The correct point of diversion for the surface irrigation right in Header A is Bordo Ditch.
4. Correcting the point of diversion for the water right does not affect the nature or extent of the water right.

5. The State attempted to contact Defendants to determine if they oppose this motion but was not successful.

WHEREFORE, the State asks the Court to correct the *Order Granting Default Judgment* for Subfile No. CHCJ-003-0058 (Doc. 9110, filed 02/13/2008) in accordance with this Motion and the attached Proposed Order Correcting Default Judgment for Subfile No. CHCJ-003-0058 (Exhibit 1).

The State further requests that, pursuant to this Courts *Order* under Docket No. 10891 (filed 02/04/2014), the Clerk of Court mail a copy of the Order to the Defendants at the following address.

Abraham A. Chavez
Lena E. Chavez
815 ½ North Aztec Blvd.
Aztec, NM 87410

Respectfully submitted,

/s/ Patricia Estrella

PATRICIA ESTRELLA
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P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 819-1044

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail. Additionally, I have mailed a copy of this Motion to Abraham A. and Lena E. Chavez at the following address:

Abraham A. Chavez
Lena E. Chavez
815 ½ North Aztec Blvd.
Aztec, NM 87410

/s/ Patricia Estrella

Patricia Estrella